

Stacy, Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Saturday, July 03, 2010 5:12 PM
To: Robert Hoffman; Barbara Schroeder; Alexis Gutierrez; Teri Frady; Teri Rowles; Helen Golde; Stacy, Brian A; witherington@cfl.rr.com; Michael Ziccardi; 'connie.barclay@noaa.gov'; Elizabeth Crapo; kim amendola; Christine Patrick; Eric Schwaab; Gloria Thompson; John Oliver; Rebecca Chiampi; Steve Murawski; Beth Lumsden; Samuel Rauch; Deb Lambert; Monica Allen
Subject: FYI Turtle article on lawsuit and settlement talks from July 3, 2010 Times Picayune

Animal groups and BP reach agreement in lawsuit over turtle burning in Gulf

Four environmental groups have reached a temporary agreement with BP to settle *a lawsuit that accused the oil company of violating the Endangered Species Act* by possibly burning sea turtles alive during controlled burns of *oil on the Gulf of Mexico*.

The groups filed suit Wednesday and sought a temporary restraining order to prevent BP and government responders from proceeding with the controlled burns. In the suit, the groups cite two Venice charter captains who have been working with *sea turtle* rescuers.

Both captains, Michael Ellis and Kevin Aderhold, said they and biologists they've been working with have rescued turtles stuck in thick oil within sight of the "burn boxes" where BP's crews corral and ignite oil on the surface. In the suit Ellis said that many of the turtles rescued, including endangered Kemp's Ridley sea turtles, are often found along an "oil line," where currents converge and amass thick globs of oil.

"Based on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten endangered turtles, and that these turtles will continue to be present in similar burn boxes that continue to be used by BP as part of its practice of controlled burns," Ellis said in the declaration filed for the lawsuit.

No formal settlement has been signed in U.S. District Judge Carl Barbier's court, but BP and the four groups - Animal Welfare Institute, Animal Legal Defense Fund, Turtle Island Restoration Network and the Center for Biological Diversity - agreed to several terms Friday. Among them: that no controlled burns would take place until at least next Tuesday, due to weather conditions; and that the Coast Guard and BP will tell the groups Tuesday whether they can have observers on every burn boat to ensure that turtles are identified and removed from the burn sites before burns begin.

Lisa Franzetta, a spokeswoman for Animal Legal Defense Fund, said in an e-mail that "If they cannot make that assurance, we will be back before Judge Barbier."

A BP spokeswoman, Jesse Baker, confirmed that the oil company agreed with the initial terms of the settlement.

"We have agreed with them, and we are putting in place a process to minimize the impacts of the controlled burns," she said.

According to a news release from the Unified Command for the oil spill, more sea turtle observers will be trained over the weekend to focus on aiding turtles in areas where there are controlled burns or oil skimming operations.

"The command's wildlife branch is working now to determine, when, where, and how observers can be best positioned to reduce risks posed to sea turtles by oil containment and clean-up activities," the news release said. "If sea turtle observers can improve the sighting and collection of sea turtles prior to burn and skimming operations, then this is another way to reach more turtles in harm's way, to reduce additional risk posed to turtles by the

oil spill."

Since the beginning of the oil spill, 441 *sea turtles in the Gulf have been found dead*.

Todd Steiner, the executive director of Turtle Island Restoration Network, another group involved in the suit, said he was pleased with the agreement but cautioned that turtles are still at risk every day due to the massive amount of oil still billowing into the Gulf.

"The government, BP, the scientists and if the turtles could vote, as well, are all happy with the way things are going (with the suit)," Steiner said. "Now we just need BP and the government to get their act together and work as diligently as they can so that before they start burning again they get these conditions in place."

/Chris Kirkham can be reached at ckirkham@timespicayune.com or 504.826.3321./



Stacy, Brian A

From: Alexis Gutierrez [Alexis.Gutierrez@noaa.gov]
Sent: Monday, June 21, 2010 4:17 PM
To: Sara.McNulty@noaa.gov
Cc: Mike Ziccardi; Barbara Schroeder; Brian Stacy
Subject: Re: Mark Dodd

Hi Sara,

Thanks for the update. Is this all the burn task force or is this just the one that Mark is on? Thanks, A

Sara McNulty wrote:

> I met up with Mark Dodd this morning and he will be headed out with the USCG shortly. I checked out a hard hat and life jacket for him, and USCG will be providing the nomex coveralls.

>

> Drew (USCG) told us they are burning today, but they likely won't burn for the next 5 days.

> The fleets may actually come in tomorrow to regroup, and will be back out at the end of the week. Not sure what this means for our test.

>

> Mark should be out there for some burns this afternoon, and he'll keep us updated on the plans. If the burn fleet comes in, Mark could potentially switch over to the capture project. For a couple days.

> Now I'm off to do laundry!

> Sara

>

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 22, 2010 10:55 PM
To: Blair Witherington; Brian Stacy
Subject: [Fwd: Mark Dodd]

----- Original Message -----

Subject: Mark Dodd
Date: Wed, 23 Jun 2010 02:53:32 +0000
From: Sara McNulty <Sara.McNulty@noaa.gov>
Reply-To: Sara.McNulty@noaa.gov
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Kyle.Baker@noaa.gov, Teri Rowles <Teri.Rowles@noaa.gov>

Hi All,

I just spoke to Mark Dodd. He is back at the trailers and is heading out with the capture team right now. He said he had a very good experience with the burn ops, and he wrote up an initial assessment report for us and has some thoughts to share/discuss. He just needs to find internet access to send the report out.

Perhaps we can plan a call for tomorrow evening to chat with Mark. Likely 7pm CT or later will work best for Mark.

Sara

Stacy, Brian A

From: Blair Witherington [witherington@cfl.rr.com]
Sent: Wednesday, June 23, 2010 10:19 AM
To: 'Barbara.Schroeder'; 'Brian Stacy'
Subject: RE: [Fwd: Mark Dodd]

7 CT is fine for me. Which number? Blair

From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 22, 2010 10:55 PM
To: Blair Witherington; Brian Stacy
Subject: [Fwd: Mark Dodd]

----- Original Message -----

Subject:

Mark Dodd

Date:

Wed, 23 Jun 2010 02:53:32 +0000

From:

Sara McNulty <Sara.McNulty@noaa.gov>

Reply-To:

Sara.McNulty@noaa.gov

To:

Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Kyle.Baker@noaa.gov, Teri Rowles <Teri.Rowles@noaa.gov>

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will work best for Mark.

Sara

Stacy, Brian A

From: Sara.McNulty@noaa.gov
Sent: Thursday, June 24, 2010 11:02 AM
To: Barbara Schroeder; Alexis Gutierrez; Mike Ziccardi; Teri.Rowles@noaa.gov; Teri.Rowles@noaa.gov; Brian Stacy
Subject: Fwd: burn team report
Attachments: burn team report



burn team report

Here is an initial report from Mark on his burn observations. He is working on a basic protocol for observers to follow when working with the burn units.
Sara

Stacy, Brian A

From: Jeffrey Seminoff [Jeffrey.Seminoff@noaa.gov]
Sent: Wednesday, June 02, 2010 2:26 PM
To: Barbara Schroeder
Cc: Brian Stacy
Subject: More photos

Attachments: IMGP1262.JPG; IMGP1242.JPG; IMG_2694.JPG; IMG_2696.JPG



IMGP1262.JPG (2 MB)



IMGP1242.JPG (2 MB)



IMG_2694.JPG (1 MB)



IMG_2696.JPG (1 MB)

Here are a few more pics..

1. Apparently they are still doing burn offs...
2. Jonathan Gorman (spelling?) searching a oil/weed line

These two were taken by Mark Dodd. Working up turtles with burnoff in background. The big towers (n =2) in the background are the relief well drill towers.

On Jun 2, 2010, at 11:17 AM, Barbara Schroeder wrote:

the one Brian is cleaning is a green also?, I just can't see it well enough

Barbara Schroeder
National Sea Turtle Coordinator
National Oceanic and Atmospheric Administration - NMFS

email: barbara.schroeder@noaa.gov
Phone: 301-713-2322

To cherish what remains of the earth, and to foster its renewal, is our only legitimate hope.
Wendell Berry

Jeffrey Seminoff wrote:

these two shots are of a green turtle.

On Jun 2, 2010, at 11:10 AM, Barbara Schroeder wrote:

Jeff, I can barely make out what species they are and don't want to label them wrong
please id for me thanks

Barbara Schroeder
National Sea Turtle Coordinator
National Oceanic and Atmospheric Administration - NMFS

email: barbara.schroeder@noaa.gov
Phone: 301-713-2322

To cherish what remains of the earth, and to foster its renewal, is our only
legitimate hope. Wendell Berry

Jeffrey Seminoff wrote:

Hi Barbara,

Here are a few pics. Let me know if these come through OK and if so, I can send a few
more. I believe Brian will send a few later today as well. These are all from my point
and shoot.

We're scrubbed from weather as you know....

Jeff

<mime-attachment.jpeg>

IMGP1208.JPG

<mime-attachment.jpeg>

IMGP1214.JPG

<mime-attachment.jpeg>

IMGP1209.JPG

Stacy, Brian A

From: Jeffrey Seminoff [Jeffrey.Seminoff@noaa.gov]
Sent: Wednesday, June 02, 2010 2:28 PM
To: Barbara Schroeder
Cc: Brian Stacy

Attachments: IMGP1249.JPG



IMGP1249.JPG (2
MB)

Barbara,

One more. Brian thinks this should go on the cover of the report....

Jeff

Stacy, Brian A

From: Teri Rowles [Teri.Rowles@noaa.gov]
Sent: Friday, June 18, 2010 7:15 PM
To: Barbara.Schroeder
Cc: Alexis Gutierrez; Blair Witherington; Brian Stacy
Subject: Re: [Fwd: Fw: Rescue All Sea Turtles from Boom and Burn Operations]

soon we will all be inundated.

Barbara.Schroeder wrote:

----- Original Message -----

Subject: Fw: Rescue All Sea Turtles from Boom and Burn Operations
Date: Fri, 18 Jun 2010 19:05:57 -0400
From: David Cottingham <David.Cottingham@noaa.gov>
To: 'sarah.mcnulty@noaa.gov' <sarah.mcnulty@noaa.gov>, 'Barbara.Schroeder@noaa.gov' <Barbara.Schroeder@noaa.gov>, 'mhziccardi@ucdavis.edu' <mhziccardi@ucdavis.edu>

My email is posted on a website to send me the email below.

Please pass to approp folks in Houma.

If you need to get in touch, call cell 240-688-7289, as email on blackberry is jammed
DC

----- Original Message -----

From: PEGGY BURKE <peggy.burke@caltech.edu>
To: David.Cottingham@noaa.gov <David.Cottingham@noaa.gov>
Sent: Fri Jun 18 17:55:42 2010
Subject: Rescue All Sea Turtles from Boom and Burn Operations

I am outraged to learn that BP cleanup efforts do not rescue each and every sea turtle encountered during the oil spill cleanup in Gulf of Mexico waters. Kemp's ridley sea turtles trapped in boom and burn operations are endangered species with legal protections, harming them is an illegal act and subject to prosecution and penalties.

Direct evidence of the sea turtles caught up in oil booming and set on fire has been reported by the LA Times and a video interview that can be viewed at <http://seaturtles.org/article.php?id=1660>.

Unified Command must increase the number of boats and personnel on the water rescuing all sea turtles encountered in oil spill operations and transport them immediately to one of the many rehabilitation centers available.

I urge you to immediately grant permission to the team forming under the direction of the Sea Turtle Restoration Project staff to lead additional boats to recover sea turtles from the oil spill, and to cover all costs of NGO-supported rescue operations out of the BP oil spill funds managed by Unified Command.

Sincerely

PEGGY BURKE
California
STEVENSON RANCH, CA 91381

Stacy, Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Friday, June 18, 2010 7:09 PM
To: Alexis Gutierrez; Blair Witherington; Teri Rowles; Brian Stacy
Subject: [Fwd: Fw: Rescue All Sea Turtles from Boom and Burn Operations]

----- Original Message -----

Subject: Fw: Rescue All Sea Turtles from Boom and Burn Operations
Date: Fri, 18 Jun 2010 19:05:57 -0400
From: David Cottingham <David.Cottingham@noaa.gov>
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Sincerely

PEGGY BURKE
California
STEVENSON RANCH, CA 91381

Stacy, Brian A

From: Mark Dodd [Mark.Dodd@dnr.state.ga.us]
Sent: Wednesday, June 23, 2010 10:14 PM
To: Barbara.Shroeder@noaa.gov
Cc: Sara.McNulty@noaa.gov
Subject: burn team report

Attachments: Burn Team Observations 6_21_10.doc



Burn Team
Observations 6_21_10

Please let me know if you get this. Sorry it did not go through yesterday.

Mark

Mark G. Dodd
Georgia Sea Turtle Program Coordinator
Georgia Department of Natural Resources
One Conservation Way
Brunswick, GA 31520-8687
Office (912) 280-6892
Cell (912) 269-4019
email: Mark_Dodd@dnr.state.ga.us

Report on Deepwater Horizon burn unit operations, 6/21/10.

The goal of the trip was to observe burn unit operations, determine the likelihood of sea turtle mortality associated with surface burning activities, and assess the possibility of putting sea turtle observers with the burn unit.

Arrived on scene approx. 5 miles northeast of the Deepwater Horizon accident site at approx. 1445 hours on 6/21/10. Two burns were in progress. We observed our first burn from the crew boat *Gulf Storm*. We arrived just as the burn was ignited. Conditions were light chop and winds 7-10 knots. I was not able to survey the area prior to ignition of the first fire. The oil in the area adjacent to the crew boat was heavy oil with a small amount of widely dispersed sargassum. Large continuous areas of oil were randomly distributed around the area. In general, there was no definable pattern to the oil and no weedline present. This was the pattern I saw during the rest of the day: widely dispersed small patches of sargassum with no definable weedline.

In general, two shrimp trawlers were used to pull a boom to concentrate oil for burning. The trawlers appeared to be approx. 300-500' apart while towing the boom. The boom is 500' in length and the tow cables are 300-500'. The boom skirt drops down in the water column approx. 2.5-3 ft. The trawlers were moving forward at approx. 1/2 knot prior to and during the burn. I was told if the trawlers move too quickly, the oil goes under the bottom of the boom and is not available for the burn. If a fire is in progress, the boom will overrun the fire and put it out. The oil is ignited with a package of 2 ½ gallon plastic jugs of diesel fuel and a flare. Once the ignition package is placed inside the boom in the concentrated oil, it takes 2-3 minutes to ignite the oil. The fire starts fairly small (10 m) diameter area and builds to an area of 30 m diameter in approx. 3 minutes. I was told by the burn teams that they do not burn the orange emulsified oil. They target the heavy brown material. I monitored the first fire for approx. 5-7 minutes but was not close enough to survey for turtles.

Following the first burn, I transferred to one of the support vessels (Fox Sea) and was quickly put on one of the ignition boats. I monitored 2 burns from the ignition boat. Conditions were calm seas, 7-10 knot winds. We surveyed the area in front of the trawlers prior to ignition and found patches of heavy oil and widely scattered sargassum. The sargassum formed no pattern and there was not a definable weedline. I did not observe any turtles in the oil or sargassum in the path of the boom. We surveyed the boomed oil for sea turtles by running along the length of the u-shaped boom at a close distance (3-10 ft). I stood on the raised foredeck of the ignition boat during the survey. A small amount of sargassum was seen at the apex of the boom. In the second fire, the sargassum and oil could be seen rolling under the boom as it moved slowly forward. I felt confident that I could survey the entire area of heavy oil in the boom prior to ignition. I did not see any turtles in the boomed area on either fire. The boomed area contained material similar to what we observed previously in the turtle capture efforts including coconuts, pieces of marsh wrack, sargassum and driftwood. If turtles were seen in the boomed material, it would be possible to capture them from the ignition boat. The chronology of the 3 fires I observed was similar with the ignition taking 2-3 minutes and

the fire slowly building over approx. 3 minutes. Some of the fires continued to burn for several hours as the trawlers moved forward collecting additional fuel (oil). Other fires were out in 15-20 minutes. Generally, the fires appeared to move fairly slowly.

We observed 2 additional booming operations that did not ultimately result in a burn. I surveyed the boomed area from the raised foredeck of the ignition boat 3-10 ft outside the boom. In these cases, the trawlers were not capturing enough oil to burn. I did not see any turtles in the boomed areas.

Burning operations were concluded at approx 1830 hours and I returned to the support boat Mister Andre for the evening. The seas increased the next day and burning operations were called off due to an approaching storm system. The boom was loaded in the morning, and we steamed back to port. The boat crews and U.S. Coast Guard personnel were very accommodating and allowed access to all aspects of the operation.

I was not able to survey the oil and sargassum from the vantage point of the shrimp trawlers due to lack of time. From the ignition boat it appeared that the shrimp trawlers were too far from the boomed material to conduct a survey for sea turtles; however, this would need to be confirmed with direct observation. Also, I was not able to survey a burned area after the fire was extinguished. Finally, my observations of the material being burned were limited to a single afternoon. Several of the crews suggested that they targeted oiled weedlines for burning when the weedlines are available.

The U.S. Coast Guard personnel indicated that they generally had 10-15 fires per day under good conditions. There are normally 5-6 teams on site. A team includes 2 boom boats (shrimp trawlers), an ignition boat, and a support vessel (crew boat).

The following are general observations from the burning operations. These observations are based on a few hours in the field with the burn crews. Additional observations will be necessary to confirm the accuracy of this report.

- 1) Burns start relatively slowly and are generally small in size.
- 2) The burn crews focus on the heavy brown oil for burning.
- 3) My impression talking with the burn crews is that they work in a relatively restricted area. It would be helpful to see a map of all burns conducted to date (their potential impact may be limited to a small area).
- 4) Pre-burn inspections for sea turtles are feasible prior to ignition.
- 5) The best platform for monitoring for sea turtles appears to be the ignition boat because of the close proximity to the material.
- 6) I was not able to survey for sea turtles from the shrimp trawlers. The possibility of using the shrimp trawlers (boom boats) as a platform for sea turtle observations should be explored.
- 7) My overall impression is that the fires start relatively slowly and are restricted to a relatively small area. The probability of mortality of free-swimming turtles is fairly low. Sea turtles mired in oil and unable to escape should be easy to spot by an observer from the ignition boat. My suggestion is to have limited observer

coverage on the ignition boats to continue to collect data on the type of material being burned and to monitor for sea turtles (1 ignition boat per day).

Mark Dodd
Sea Turtle Program Coordinator
Georgia Department of Natural Resources
6/22/10

Stacy,Brian A

From: Pamela T. Plotkin [ptp8@cornell.edu]
Sent: Saturday, July 10, 2010 10:30 AM
To: Bill Eubanks; jrspotila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; woodyrrnm@msn.com; Owensd@cofc.Edu; Bjorndal,Karen Anne; Stacy,Brian A; mark.dodd@dnr.state.ga.us
Cc: dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
Subject: RE: Sea Turtle Draft Protocols -- Please send any comments ASAP
Importance: High

Dear Bill,

Thank you for the opportunity to comment. I do have some initial comments, and may have some more before July 21st as I completely digest the info you provided.

1. First page/Memo to Area Unified Command: I suggest striking the sentence "Due to area, environmental, and situational differences amongst the unique operation areas, we recommend that the Environmental Units in the incident commands reserves the authority to amend these BMPs as they deem necessary, and have them approved by their respective commands." This statement is too broad – if amending the BMP means they are going to deviate from completing their "Marine Species Observation Form" I have no problem with this. But if they're going to deviate from their protocol to survey an area for turtles before they burn because there is a tropical storm headed and the waters are making it difficult to see wildlife, I cannot agree with this amendment. As it is worded currently, it provides an opportunity for anyone at anytime to deviate from the BMPs and burn sea turtles. If deleting this sentence is non-negotiable, then we should limit the types of amendments to BMPs that are acceptable, we should request advance review and approval as a requirement before protocol deviation may occur, and no burning should occur until such approval is sought/received.
2. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Dr. Spotila already raised this issue – delete "...if available..." throughout this section in reference to "with trained personnel". We want trained personnel at all burns, at all times.
3. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Trained/untrained observers need to do more than look and observe. Looking and observing will help them find adult and large juvenile turtles, but it will likely not help them find hatchling turtles. Hatchlings will often float very quietly within sargassum and other flotsam at the surface of the water column. They remain very still and will be missed from observation unless one actually "stirs" the sargassum/oil mixture to elicit a response. The observers need to literally make contact with the oil patches in the corralled area before the burn. They can do this very simply using a long pole from the boat to gently stir the sargassum/oil. Trained observers need to be trained to look for/observe all life stages.
4. First page of BMP/Section on BMPs to reduce impacts to sea turtles: I don't understand the intent of "If possible all sargassum that is not oiled or is only very lightly oiled should be avoided." This statement appears to be better placed in a BMP that identifies what areas of the Gulf should and should not be skimmed for oil, rather than in the BMP for burn operations for sea turtles and marine mammals. If, however, the intent of this statement is to avoid looking/observing for turtles in

sargassum that is not oiled or lightly oiled and within the corral, then we need to strike this sentence completely. As currently written, one could very easily interpret the intent of this statement as a directive to not search for turtles (avoid) if clean or lightly oiled sargassum is found in the corral before the burn.

5. Second page of BMP/Section on BMPs to reduce impacts to marine mammals/ third bullet down: "If possible avoid burn operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area." Strike the words "If possible.." where it appears twice in this sentence. AND add this exact same statement (without the 2 "if possible") to the Section on BMPs to reduce impacts to sea turtles above. The new sentence for turtles should read: "Avoid burn operations where sea turtles have been spotted. If a sea turtle is spotted during operations, stop operations until the animal is outside the operations area."

Finally, an overall comment. So much research has been done on the effectiveness of acoustic methods to deter marine mammals and sea turtles. Why aren't these methods being considered as a means to frighten mobile animals away from the area? BP could scare animals away from the spill area itself and from the vessels collecting oil. One could easily equip the vessels that are towing the boom with the instruments needed to generate the sounds. While this will undoubtedly be considered "harassment" to protected species by the Services, it's better than corralling these animals into oil.

Let me know if you have any questions about my comments above. More comments next week.

Best wishes,

Pam

Pamela Plotkin, Ph.D.

Cornell University

373 Pine Tree Road

Ithaca, NY 14850

607-254-8329

ptp8@cornell.edu

From: Bill Eubanks [mailto:Beubanks@meyerglitz.com]
Sent: Friday, July 09, 2010 5:21 PM
To: Bill Eubanks; jrspotila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; Pamela T. Plotkin; woodyrrnm@msn.com; Owensd@cofc.Edu; bjordal@ufl.edu; bstacy@ufl.edu; mark.dodd@dnr.state.ga.us
Cc: dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
Subject: Sea Turtle Draft Protocols -- Please send any comments ASAP
Importance: High

Hello all,

I believe that most or all of you have already seen these – they are the draft turtle observation, search, rescue, and rehabilitation protocols developed by the Coast Guard and BP in response to litigation brought last week on behalf of several conservation organizations. We would appreciate any comments on these drafts as soon as possible, and in any event no later than **noon eastern time on Monday, July 12.**

Sincerely,

Bill Eubanks

Meyer Glitzenstein & Crystal

1601 Connecticut Avenue NW, Suite 700

Washington, DC 20009

(202) 588-5206, ext. 14

(202) 588-5049 (fax)

www.meyerglitz.com

Stacy,Brian A

From: Pamela T. Plotkin [ptp8@cornell.edu]
Sent: Saturday, July 10, 2010 10:47 AM
To: Bill Eubanks; jrspotila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; woodyrrnm@msn.com; Owensd@cofc.Edu; Bjorndal,Karen Anne; Stacy,Brian A; mark.dodd@dnr.state.ga.us
Cc: dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
Subject: RE: Sea Turtle Draft Protocols -- Please send any comments ASAP
Importance: High

One more comment – sorry I forgot to include this in my earlier email because it is terribly important. When section 7 consultations occur and NMFS essentially permits another agency to take sea turtles, there is always a limit to the take that is allowed. In other words, no one is provided carte blanche to take as many threatened and endangered species as they will in the normal course of their activities. The Corps of Engineers is limited, the Navy is limited, sea turtle biologists are limited, etc. etc.

Why then is NMFS allowing continued take of turtles if dead sea turtles continue to be found in the burned areas? This flies in the face of the ESA, no?

In the BMP for sea turtles it states “If possible a survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected.

I suggest this be modified to: “A survey shall be conducted in the burn area after the burn is complete and all dead sea turtles shall be counted and collected.”, with additional statements that if turtles are found dead, we will modify the BMP to reduce the incidence of continued mortality. If we do not require post-burn surveys to occur, no one will ever be able to assess the efficacy of the BMP. This, and this alone, should form the basis of why the Environmental Units in the incident commands should reserve the authority to amend the BMPs – if they are still burning turtles they must be forced to stop their operations immediately and develop a better BMP that will prevent such future occurrences.

And finally (I promise no more for today), we should seek to require a limit to the number of turtles that BP can burn. Everyone else has a limit.

Enjoy the weekend,

Pam

From: Pamela T. Plotkin
Sent: Saturday, July 10, 2010 10:30 AM
To: 'Bill Eubanks'; jrspotila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; woodyrrnm@msn.com; Owensd@cofc.Edu; bjoerndal@ufl.edu; bstacy@ufl.edu; mark.dodd@dnr.state.ga.us
Cc: dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
Subject: RE: Sea Turtle Draft Protocols -- Please send any comments ASAP
Importance: High

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Thanks Pamela -- I will compile these comments into the document where I will be collecting all comments received (to forward to the Coast Guard). Please note, however, that I need all comments no later than noon eastern on Monday, July 12 (not the 21st).

Thanks,

Bill

-----Original Message-----

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Hi Jim (and everyone else),

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Todd

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Let me know if you have any questions about my comments above. More comments next week.

Best wishes,

Pam

Pamela Plotkin, Ph.D.
Cornell University
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Ithaca, NY 14850
607-254-8329
ptp8@cornell.edu

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To: Bill Eubanks; jrsptila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; Pamela T. Plotkin; woodyrrnm@msn.com; Owensd@cofc.Edu; bjorndal@ufl.edu; bstacy@ufl.edu; mark.dodd@dnr.state.ga.us
Cc: dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
Subject: Sea Turtle Draft Protocols -- Please send any comments ASAP
Importance: High

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(202) 588-5049 (fax)
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Todd Steiner
Executive Director
Turtle Island Restoration Network
tsteiner@TIRN.net
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Ph. 415 663-8590 ext. 103

Visit our Websites!
www.SeaTurtles.org
www.SpawnUSA.org
www.GotMercury.org

Stacy,Brian A

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Sent: Saturday, July 10, 2010 2:30 PM
To: JRSpotila
Cc: Pamela T. Plotkin; Bill Eubanks; tsteiner@tirn.net; woodyrrnm@msn.com; Owensd@cofc.Edu; Bjorndal,Karen Anne; Stacy,Brian A; mark.dodd@dnr.state.ga.us; dj@awionline.org; chris@tirn.net; mhziccardi@ucdavis.edu; Katherine Meyer
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Friends/colleagues,

I've been on the ground with Dr. Pincetich of STRP for the past week. he is doing an exemplary job engaging with these issues with a diversity of people and keeping the plight of sea turtles at front of mind, amidst lots of important and urgent problems for people and nature.

As Jim notes, there seems to be a real need for an experienced, collaborative and creative group of sea turtle experts to contribute to the effort. There hasn't been an adequate match made between our collective knowledge/wisdom, the enthusiastic network of volunteers, financial and in-kind resources being offered, and the wildlife crisis at hand.

On a personal note, the scale and scope of the impact of this catastrophe is difficult to fathom. And taking it all in from the ground, water and sky has been overwhelming for everyone working here, from govt, universities, communities, industry and NGOs.

Pam, your notes ate right on.

J.

PS Chris and I have created a public OIL SPILL folder to facilitate sharing of images and video, feel free to share: <http://public.me.com/wallacejnichols>

~~~~~  
Wallace "J." Nichols, PhD

Research Associate, California Academy of Sciences  
Founder/Co-Director, [OceanRevolution.org](http://OceanRevolution.org)

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skype: oceanrevolution  
twitter: wallacejnichols  
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Jim

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**Stacy,Brian A**

---

**From:** Dr. Chris Pincetich [chris@tirn.net]  
**Sent:** Saturday, July 10, 2010 2:41 PM  
**To:** Todd Steiner  
**Cc:** JRSpotila; Pamela T. Plotkin; Bill Eubanks; wallacejnichols@me.com; woodyrrnm@msn.com; Owensd@cofc.Edu; Bjorndal,Karen Anne; Stacy,Brian A; mark.dodd@dnr.state.ga.us; dj@awionline.org; mhziccardi@ucdavis.edu; Katherine Meyer  
**Subject:** Re: Sea Turtle Draft Protocols -- Please send any comments ASAP

Hi Everyone,

My work on the ground in New Orleans has been enlightening. Operations are being run under a FEMA based incident command structure. I believe our comments must be framed in this structure, and must expand beyond the BMP approach. I will be developing such documents this weekend for local efforts in a New Orleans w multiple partners looking to increase all wildlife rescue, and to further our own efforts to get more contractors.

Ideally, a Sea Turtle Rescue Task Force is called for in our comments. This is vocabulary of Joint Incident Command and CG. IF you recall from conference call, CG controlled burns operate from 2 Task Forces.

We define a Sea Turtle Rescue Task Force. I am leaning towards 2 boats in 25-35' range as mobile Capture Boats, and one 50-60' boat or shrimp boat as triage, storage, care unit. Other details to build include a support boat (rest for heat exhaustion, bathrooms, internet com) and transport boat (30 knot cruising speed) and having veterinary care on board.

The debate I am having now w J Nichols is efficacy of dip nets, trawl tows in weed lines to get all wildlife, or his favorite technique which is physical capture in the water. That last one could be done w HAZMAT Rescue suit that local contact can acquire at wholesale, BUT we must present our operation as extremely safe and following all Joint Incident Command safety + OSHA safety guidelines so J may have to keep the sea turtle rodeo confined to Baja.

I am looking forward to seeing the final compilation of comments and seeing a new chapter in Joint Incident Command operations that can be used easily and reliably to save sea turtles in this incident and in those that we are sure to encounter in the future.

Cheers,  
Chris

**Christopher Pincetich, Ph.D.**  
**Campaigner & Marine Biologist, Sea Turtle Restoration Project**  
(415) 663-8590, ext. 102  
P.O. Box 370, Forest Knolls, CA 94933 USA  
Location: 9255 Sir Francis Drake Blvd, Olema, CA 94950

**[www.SeaTurtles.org/GulfSeaTurtleUpdate](http://www.SeaTurtles.org/GulfSeaTurtleUpdate)**  
**Visit the STRP Action Center to help with all current campaigns.**  
**Join the Sea Turtle Restoration Project on Facebook Causes**

On Jul 10, 2010, at 12:56 PM, Todd Steiner wrote:

Hi Jim (and everyone else),

We are trying to get authorized for turtle operations. Please forward the names, CVs, bios, etc. of folks we should add to our request.

Todd

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Todd Steiner  
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Visit our Websites!  
[www.SeaTurtles.org](http://www.SeaTurtles.org)  
[www.SpawnUSA.org](http://www.SpawnUSA.org)  
[www.GotMercury.org](http://www.GotMercury.org)

**Stacy,Brian A**

---

**From:** Bill Eubanks [Beubanks@meyerglitz.com]  
**Sent:** Monday, July 12, 2010 12:27 PM  
**To:** Wallace 'J' Nichols; JRSpotila  
**Cc:** Pamela T. Plotkin; Dr. Chris Pincetich; Todd Steiner; woodyrrnm@msn.com; Owensd@cofc.Edu; Bjorndal,Karen Anne; Stacy,Brian A; mark.dodd@dnr.state.ga.us; dj@awionline.org; mhziccardi@ucdavis.edu  
**Subject:** RE: Sea Turtle Draft Protocols -- Please send any comments ASAP  
**Importance:** High

I'm am compiling the various comments received since last Wednesday. I will be forwarding the collective comments to the Coast Guard within the next hour. Please send any outstanding comments to me now, or else they will not be included in the comment package we submit to the federal government. Thank you all for your time and effort on this important issue.

Sincerely,

Bill Eubanks

Meyer Glitzenstein & Crystal

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Washington, DC 20009

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Research Associate, California Academy of Sciences

Founder/Co-Director, OceanRevolution.org

mail: Post Office Box 324, Davenport, California 95017 USA

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e: wallacejnichols@me.com

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And finally (I promise no more for today), we should seek to require a limit to the number of turtles that BP can burn. Everyone else has a limit.

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Importance: High

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2. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Dr. Spotila

already raised this issue – delete “...if available...” throughout this section in reference to “with trained personnel”. We want trained personnel at all burns, at all times.

3. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Trained/untrained observers need to do more than look and observe. Looking and observing will help them find adult and large juvenile turtles, but it will likely not help them find hatchling turtles. Hatchlings will often float very quietly within sargassum and other flotsam at the surface of the water column. They remain very still and will be missed from observation unless one actually “stirs” the sargassum/oil mixture to elicit a response. The observers need to literally make contact with the oil patches in the corralled area before the burn. They can do this very simply using a long pole from the boat to gently stir the sargassum/oil. Trained observers need to be trained to look for/observe all life stages.

4. First page of BMP/Section on BMPs to reduce impacts to sea turtles: I don’t understand the intent of “If possible all sargassum that is not oiled or is only very lightly oiled should be avoided.” This statement appears to be better placed in a BMP that identifies what areas of the Gulf should and should not be skimmed for oil, rather than in the BMP for burn operations for sea turtles and marine mammals. If, however, the intent of this statement is to avoid looking/observing for turtles in sargassum that is not oiled or lightly oiled and within the corral, then we need to strike this sentence completely. As currently written, one could very easily interpret the intent of this statement as a directive to not search for turtles (avoid) if clean or lightly oiled sargassum is found in the corral before the burn.

5. Second page of BMP/Section on BMPs to reduce impacts to marine mammals/ third bullet down: “If possible avoid burn operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area.” Strike the words “If possible..” where it appears twice in this sentence. AND add this exact same statement (without the 2 “if possible”) to the Section on BMPs to reduce impacts to sea turtles above. The new sentence for turtles should read: “Avoid burn operations where sea turtles have been spotted. If a sea turtle is spotted during operations, stop operations until the animal is outside the operations area.”

Finally, an overall comment. So much research has been done on the effectiveness of acoustic methods to deter marine mammals and sea turtles. Why aren’t these methods being considered as a means to frighten mobile animals away from the area? BP could scare animals away from the spill area itself and from the vessels collecting oil. One could easily equip the vessels that are towing the boom with the instruments needed to generate the sounds. While this will undoubtedly be considered “harassment” to protected species by the Services, it’s better than corralling these animals into oil.

Let me know if you have any questions about my comments above. More comments next week.

Best wishes,

Pam

Pamela Plotkin, Ph.D.

Cornell University

373 Pine Tree Road

Ithaca, NY 14850

607-254-8329

ptp8@cornell.edu

From: Bill Eubanks [<mailto:Beubanks@meyerglitz.com>]

Sent: Friday, July 09, 2010 5:21 PM

To: Bill Eubanks; jrsptila@verizon.net; tsteiner@tirn.net; wallacejnichols@me.com; Pamela T. Plotkin; woodyrrnm@msn.com; Owensd@cofc.Edu; bjorndal@ufl.edu; bstacy@ufl.edu; mark.dodd@dnr.state.ga.us

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Subject: Sea Turtle Draft Protocols -- Please send any comments ASAP

Importance: High

Hello all,

I believe that most or all of you have already seen these – they are the draft turtle observation, search, rescue, and rehabilitation protocols developed by the Coast Guard and BP in response to litigation brought last week on behalf of several conservation organizations. We would appreciate any comments on these drafts as soon as possible, and in any event no later than **noon eastern time on Monday, July 12.**

Sincerely,

Bill Eubanks

Meyer Glitzenstein & Crystal

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I agree with those ideas.

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**Cc:** <mailto:di@awionline.org>[di@awionline.org](mailto:di@awionline.org); <mailto:chris@tirn.net>  
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Katherine Meyer

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1. First page/Memo to Area Unified Command: I suggest striking the sentence "Due to area, environmental, and situational differences amongst the unique operation areas, we recommend that the Environmental Units in the incident commands reserves the authority to amend these BMPs as they deem necessary, and have them approved by their respective commands." This statement is too broad – if amending the BMP means they are going to deviate from completing their "Marine Species Observation Form" I have no problem with this. But if they're going to deviate from their protocol to survey an area for turtles before they burn because there is a tropical storm headed and the waters are making it difficult to see wildlife, I cannot agree with this amendment. As it is worded currently, it provides an opportunity for anyone at anytime to deviate from the BMPs and burn sea turtles. If deleting this sentence is non-negotiable, then we should limit the types of amendments to BMPs that are acceptable, we should request advance review and approval as a requirement before protocol deviation may occur, and no burning should occur until such approval is sought/received.
2. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Dr. Spotila already raised this issue – delete "...if available..." throughout this section in reference to "with trained personnel". We want trained personnel at all burns, at all times.
3. First page of BMP/Section on BMPs to reduce impacts to sea turtles: Trained/untrained observers need to do more than look and observe. Looking and observing will help them find adult and large juvenile turtles, but it will likely not help them find hatchling turtles. Hatchlings will often float very quietly within sargassum and other flotsam at the surface of the water column. They remain very still and will be missed from observation unless one actually "stirs" the sargassum/oil mixture to elicit a response. The observers need to literally make contact with the oil patches in the corralled area before the burn. They can do this very simply using a long pole from the boat to gently stir the sargassum/oil. Trained observers need to be trained to look for/observe all life stages.
4. First page of BMP/Section on BMPs to reduce impacts to sea turtles: I don't understand the intent of "If possible all sargassum that is not oiled or is only very lightly oiled should be avoided." This statement appears to be better placed in a BMP that identifies what areas of the Gulf should and should not be skimmed for oil, rather than in the BMP for burn operations for sea turtles

and marine mammals. If, however, the intent of this statement is to avoid looking/observing for turtles in sargassum that is not oiled or lightly oiled and within the corral, then we need to strike this sentence completely. As currently written, one could very easily interpret the intent of this statement as a directive to not search for turtles (avoid) if clean or lightly oiled sargassum is found in the corral before the burn.

5. Second page of BMP/Section on BMPs to reduce impacts to marine mammals/ third bullet down: "If possible avoid burn operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area." Strike the words "If possible.." where it appears twice in this sentence. AND add this exact same statement (without the 2 "if possible") to the Section on BMPs to reduce impacts to sea turtles above. The new sentence for turtles should read: "Avoid burn operations where sea turtles have been spotted. If a sea turtle is spotted during operations, stop operations until the animal is outside the operations area."

Finally, an overall comment. So much research has been done on the effectiveness of acoustic methods to deter marine mammals and sea turtles. Why aren't these methods being considered as a means to frighten mobile animals away from the area? BP could scare animals away from the spill area itself and from the vessels collecting oil. One could easily equip the vessels that are towing the boom with the instruments needed to generate the sounds. While this will undoubtedly be considered "harassment" to protected species by the Services, it's better than corralling these animals into oil.

Let me know if you have any questions about my comments above. More comments next week.

Best wishes,

Pam

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Katherine Meyer

**Subject:** Sea Turtle Draft Protocols -- Please send any comments ASAP

**Importance:** High

Hello all,

I believe that most or all of you have already seen these – they are the draft turtle observation, search, rescue, and rehabilitation protocols developed by the Coast Guard and BP in response to litigation brought last week on behalf of several conservation organizations. We would appreciate any comments on these drafts as soon as possible, and in any event no later than noon

eastern time on Monday, July 12.

Sincerely,

Bill Eubanks

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